

Appl. No. 10/741,652
Amdt. Dated May 23, 2006
Reply to Office Action of February 17, 2006

Docket No. CE12395JEM
Customer No. 24273

REMARKS/ARGUMENTS

Claims 1-20 remain pending in the application. In the Office Action, the title was objected to for not being descriptive of the invention to which the claims are directed. Applicant has amended the title. In addition, Applicant has amended a portion of the specification in view of a typographical error. Also in the Office Action, Claims 1-8, 10-18 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,677,613 to Perelle (Perelle). Claims 9 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Perelle.

Independent claims 1, 10, 11 and 20 have been amended to clarify that the first and second batteries are charged simultaneously only after the parameter of the first battery reaches a predetermined threshold. Support for the amendment can be found in FIGs. 4 and 5 and on page 11, line 23 to page 12, line 3. No new matter has been added in view of these amendments. In contrast, the units (2) of Perelle are charged simultaneously once the charger (3) begins to supply current to the set (1) (see col. 3, line 66 to col. 4, line 4). In view of the present invention, priority may be given to one of the two batteries, something that is not possible in Perelle. Moreover, Perelle describes the units (2) as being identical to enable the complicated charging method to work properly (see col. 2, lines 48-53), a limitation that does not apply to the present invention. Perelle also requires a complex and expensive monitoring and control system to enable its operation, while the current inventive method may take advantage of pre-existing circuitry to be carried out.

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As such, Applicant submits that independent claims 1, 10, 11 and 20 are patentable over the prior art. Applicant also believes that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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